

P-3018/C-90-406 REQUIRING COMPANY TO CLARIFY STATEMENTS AND PLACING  
COMPANY ON NOTICE

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Darrel L. Peterson	Chair
Cynthia A. Kitlinski	Commissioner
Norma McKanna	Commissioner
Robert J. O'Keefe	Commissioner
Patrice Vick	Commissioner

In the Matter of a Complaint Filed Against  
Bemidji Long Distance Service

ISSUE DATE: October 16, 1990

DOCKET NO. P-3018/C-90-406

ORDER REQUIRING COMPANY TO  
CLARIFY STATEMENTS AND PLACING  
COMPANY ON NOTICE

PROCEDURAL HISTORY

On May 31, 1990, the Commission received a complaint filed against Bemidji Long Distance Service, doing business as Thief River Falls Long Distance Service (Bemidji or the Company). The complaint stemmed from a Bemidji rate sheet which stated that listed rates would only apply if AT&T rates were higher. If AT&T rates were below the rates in the sheet, Company rates would be lowered from the stated level. The complaint alleged that Bemidji's rate sheet was misleading to customers.

The Department of Public Service (the Department) objected to the Company's marketing materials accompanying its rate sheet. According to the Department, the Company's rate comparison with AT&T should apply only to interstate, not intrastate calls. This was not clear in the Company's materials, and was therefore misleading.

On June 14, 1990, a Bemidji spokesperson wrote to the Department to clarify the Company statement regarding listed rates. The letter stated that any reference to rates guaranteed lower than AT&T's was specifically limited to interstate and not intrastate usage. The Company also promised to submit an updated tariff by June 30, 1990.

On July 30, 1990, the Department issued a report and recommendation. In the report, the Department recommended that Bemidji be ordered to clarify its marketing materials. The Department also noted that Bemidji's tariff filings were outdated and inaccurate. The Department's report was supplemented on August 31, 1990.

On August 16, 1990, the Company submitted a revised tariff. The new tariff has been assigned Docket No. P-3018/M-90-609.

The complaint came before the Commission for consideration on September 25, 1990.

### FINDINGS AND CONCLUSIONS

The Commission agrees with the Department's recommendation regarding Bemidji's marketing materials. The Company's statement that its rates will not exceed AT&T's must be specifically confined to interstate rates. Without this clarification, Bemidji's statements are potentially confusing to customers.

The Company has submitted an updated tariff filing which is receiving consideration under Docket No. P-3018/M-90-609. The Commission notes, however, that it was necessary to prod the Company into updating its tariff filing. The Commission will place Bemidji on notice that future tariff violations will not be tolerated.

### ORDER

1. In future statements to customers, Bemidji Long Distance Service will specify that intrastate rates are not included in any statement claiming that the Company will not charge its stated rate when AT&T rates are lower.
2. Bemidji Long Distance Service is placed on notice that future tariff violations will not be tolerated.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster  
Executive Secretary

(S E A L)